



Attorney Docket 058951-0250

IFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: J. Troy WEEKS et al.  
Title: Refined Plant Transformation  
Appl. No.: 10/572,744  
Filing Date: 03/21/2006  
Examiner: Unassigned  
Art Unit: Unassigned

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of the documents cited by and submitted in parent application U.S. Patent Application No. 10/667,145, filed September 22, 2003. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

However, also submitted herewith on Form PTO/SB/08 is a listing of other documents, as indicated later in this Information Disclosure Statement, that are known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the filing date of the application. Therefore no fee is believed to be due.

**RELEVANCE OF EACH DOCUMENT**

Documents A7, A26, A28, A36, A40, A46, and A51 were cited in a partial search report in a related European patent application. The remaining documents were previously cited in the parent U.S. patent application. All of the attached documents are in English. A copy of the European partial search report is also enclosed.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 8, 2006  
FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

By Richard C. Peet  
Richard C. Peet  
Attorney for Applicants  
Registration No. 35,792

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		<b>Application Number</b>	10/572,744
Date Submitted: May 9, 2006		<b>Filing Date</b>	03/21/2006
(use as many sheets as necessary)		<b>First Named Inventor</b>	J. Troy WEEKS
Sheet 1 of 3		<b>Group Art Unit</b>	Unknown
		<b>Examiner Name</b>	Unknown
		<b>Attorney Docket Number</b>	058951-0250

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	4,743,548		Crossway et al.	05/10/1988	
	A2	4,945,050		Sanford et al.	07/31/1990	
	A3	5,164,310		Smith et al.	11/17/1992	
	A4	5,284,253		Watt et al.	02/08/1994	
	A5	5,302,523		Coffee et al.	04/12/1994	
	A6	5,464,765	A	Coffee et al.	11/07/1995	
	A7	5,482,852	A	Yodar et al.	01/09/1996	
	A8	5,591,616		Hiei et al.	01/07/1997	
	A9	5,693,512		Finer et al.	12/02/1997	
	A10	5,767,373	A	Ward et al.	06/16/1998	
	A11	5,959,187		Bailey et al.	09/28/1999	
	A12	6,018,102		Garbarino et al.	01/25/2000	
	A13	6,051,757		Barton et al.	04/18/2000	
	A14	6,054,574		Quail et al.	04/25/2000	
	A15	6,084,156		Garbabino et al.	07/04/2000	
	A16	6,132,970		Stemmer	10/17/2000	
	A17	6,143,949		Ozawa et al.	11/07/2000	
	A18	6,268,547		Weeks	07/31/2001	
	A19	6,329,567	B1	Jofuku et al.	12/11/2001	
	A20	6,420,547		Maiti et al.	07/06/2002	
	A21	6,448,391		Garbarino et al.	09/10/2002	
	A22	20020046415	A1	Albert et al.	04/18/2002	
	A23	20030135891	A1	Gould et al.	07/17/2003	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
	A24	EP	0 672 752	A1		09/20/1995	
	A25	EP	1 198 985	A1		04-24-2002	
	A26	WO	98/56932	A	Shell Internationale Research Maatschappij BV.	12/17/1998	
	A27	WO	99/38979	A1	Dow Agrosociences, LLC	08/05/1999	
	A28	WO	01/44482	A	Cropdesign N.V	06/21/2001	
	A29	WO	01/94394			12/13/2001	
	A30	WO	02/102979	A2		12-27-2002	

<b>Examiner Signature</b>	<b>Date Considered</b>
---------------------------	------------------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		<b>Application Number</b>	10/572,744
Date Submitted: May 9, 2006		<b>Filing Date</b>	03/21/2006
(use as many sheets as necessary)		<b>First Named Inventor</b>	J. Troy WEEKS
		<b>Group Art Unit</b>	Unknown
		<b>Examiner Name</b>	Unknown
		<b>Attorney Docket Number</b>	058951-0250

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A31	Bailey and Gribskov, "Combining evidence using p-values: application to sequence homology searches," <i>Bioinformatics</i> , vol. 14, pp. 48-54 (1998).	
	A32	Bechtold et al., "In planta Agrobacterium mediated gene transfer by infiltration of adult Arabidopsis thaliana plants," <i>Acad Sci Paris Life Sci.</i> , vol. 316, pp. 1194-1199 (1993).	
	A33	Clough & Bent, "Floral dip: a simplified method for Agrobacterium-mediated transformation of Arabidopsis thaliana," <i>The Plant Journal</i> , vol. 16, pp. 735-743 (1998).	
	A34	Coca et al., "Differential regulation of small heat-shock genes in plants: analysis of a water-stress-inducible and developmentally activated sunflower promoter," <i>Plant Molecular Biology</i> , vol. 31, pp. 863-76 (1996).	
	A35	De Buck et al., "Agrobacterium tumefaciens Transformation and Cotransformation Frequencies of Arabidopsis thaliana Root Explants and Tobacco Protoplasts," <i>Mol. Plant Microbe Interact.</i> , vol. 11, pp. 449-57 (1998).	
	A36	De Buck et al., "T-DNA vector backbone sequences are frequently integrated into the genome of transgenic plants obtained by Agrobacterium-mediated transformation," <i>Mol. Breeding</i> , vol. 6, no. 5, Oct. 2000, pp. 459-468.	
	A37	De Neve et al., "T-DNA integration patterns in co-transformed plant cells suggest that T-DNA repeats originate from co-integration of separate T-DNAs," <i>The Plant Journal</i> , vol. 11, pp. 15-29 (1997).	
	A38	During, "A plant transformation vector with a minimal T-DNA," <i>Transgenic Research</i> , vol. 3, pp. 138-140 (1994).	
	A39	Jefferson et al., "GUS fusions: $\beta$ -glucuronidase as a sensitive and versatile gene fusion marker in higher plants," <i>The EMBO Journal</i> , vol. 6, pp. 3901-3907 (1987).	
	A40	Hanson et al., "Simple Method to Enrich an Agrobacterium-Transformed Population for Plants Containing Only T-DNA Sequences," <i>Plant Journal</i> , vol. 19, no. 6, Blackwell Scientific Publications, Oxford, GB, 1999, pp. 727-734.	
	A41	Kononov et al., "Integration of T-DNA binary vector 'backbone' sequences into the tobacco genome: evidence for multiple complex patterns of integration," <i>The Plant Journal</i> , vol. 11, no. 5, pp. 945-957 (1997).	
	A42	Lee et al., "The Arabidopsis HOS1 gene negatively regulates cold signal transduction and encodes a RING finger protein that displays cold-regulated nucleo-cytoplasmic partitioning," <i>Gene and Development</i> , vol. 15, pp. 912-924 (2001).	
	A43	MAIER-GREINER et al., "Isolation and properties of a nitrile hydratase from the soil fungus <i>Myrothecium verrucaria</i> that is highly specific for the fertilizer cyanamide and cloning of its gene," <i>Proc. Natl. Acad. Sci. USA</i> , May 1991, Vol. 88, pp. 4260-4264.	
	A44	Murashige & Skoog, "A Revised Medium for Rapid Growth and Bio Assays with Tobacco Tissue Cultures," <i>Physiol. Plant</i> , vol. 15, pp. 473-479 (1962)	
	A45	Mysore et al., "Role of the Agrobacterium tumefaciens VirD2 Protein in T-DNA Transfer and Integration," <i>Mol. Plant Microbe Interact.</i> , vol. 11, no. 7, pp. 668-683 (1998)	
	A46	Rohini et al., "Embryo transformation, a practical approach for realizing transgenic plants of safflower," <i>Annals of Botany (London)</i> , vol. 86, no. 5, Nov. 2000, pp. 1043-1049.	

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		<b>Application Number</b>	10/572,744
Date Submitted: May 9, 2006		<b>Filing Date</b>	03/21/2006
(use as many sheets as necessary)		<b>First Named Inventor</b>	J. Troy WEEKS
Sheet 3 of 3		<b>Group Art Unit</b>	Unknown
		<b>Examiner Name</b>	Unknown
		<b>Attorney Docket Number</b>	058951-0250

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A47	Shurvinton <i>et al.</i> , "A nuclear localization signal and the C-terminal omega sequence in the <i>Agrobacterium tumefaciens</i> VirD2 endonuclease are important for tumor formation," <i>Proc. Natl. Acad. Sci. U.S.A.</i> , vol. 89, pp. 11837-11841 (1992).	
	A48	The FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS' Agricultural Services Bulletin No. 108, entitled, "PLANT TISSUE CULTURE: AN ALTERNATIVE FOR PRODUCTION OF USEFUL METABOLITE" by Masanaru Misawa of Bio International Inc., Toronto, Canada <a href="http://www.fao.org/docrep/t0831e/t0831e00.htm#con">http://www.fao.org/docrep/t0831e/t0831e00.htm#con</a>	
	A49	van Haaren <i>et al.</i> , "Mutational analysis of the conserved domains of a T-region border repeat of <i>Agrobacterium tumefaciens</i> ," <i>Plant Molecular Biology</i> , vol. 13, pp. 523-531 (1989).	
	A50	Waters <i>et al.</i> , "Sequence identity in the nick regions of IncP plasmid transfer origins and T-DNA borders of <i>Agrobacterium Ti</i> plasmids," <i>Proc Natl Acad Sci.</i> , vol. 88, pp. 1456-60 (1991).	
	A51	Weeks <i>et al.</i> , "Wheat transformation using cyanamide as a new selective agent", <i>Crop Science</i> , vol. 40, no. 6, Nov. 2000, pp. 1749-1754.	
	A52	Weigel <i>et al.</i> , "Activation Tagging in Arabidopsis," <i>Plant Physiology</i> , vol. 122, pp. 1003-1013 (2000).	

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.